IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.46 OF 2006

The State of Maharashtra ...Applicant

vs.

Pandit Waman Chavan & Ors. ...Respondents

Mr.Mr.A.S.Shitole,A.P.P.for the Applicant-State
Ms Poonam P. Bhosale for Respondent Nos.1 to 25

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 11,2006.

P.C.:

1. Heard learned A.P.P. for State on the prayer for grant of leave.

2. The Respondent Nos. 1 to 25 were acquitted of offences punishable 143, 147, 148, 436, 323, 504 & 506 read with section 149 of the Indian Penal Code. The learned Trial Judge held that the evidence of the prosecution witnesses was not reliable and was not sufficient to inspire confidence.

3. After having heard the learned A.P.P. for State and after perusing the impugned Judgment and Order, I find that no case is made out for grant of leave.

4. The case of the prosecution appears to be that on 27th October 2003 about 50 to 60 persons came to the residential house of the complainant and said persons were having swords, sticks and rods etc. in their hands. According to the case of the prosecution the accused persons assaulted wife and

children of the complainant and while running away they had set the house of the complainant on fire. The learned Trial Judge has considered the evidence of all prosecution witnesses. The learned Judge has noted that in the complaint there is no mention in what manner and by what means the accused persons set the house of the complainant on fire. the learned Judge found that depositions of P.W.No.2 and 6 were totally silent on this point. The learned Judge found that P.W.Nos.8 and 9 stated that accused persons poured kerosene and burnt the house. Conspicuously, the complainant and the P.W.Nos.3 to 6 did not state anything as regards the pouring of the kerosene. That is the reason why doubt is created about the truthfulness of the prosecution case. P.W.No.6 stated that about 50 to 60 persons came to the house of the complainant at the time of incident. The learned Judge found that none of the so called eye witnesses i.e. P.W.nos.3 to 9 stated in their evidence how they were acquainted with all 25 accused persons. The learned Judge has also considered the evidence of Medical Officer.

5. Considering the findings recorded by the learned Trial Judge, I find that the view taken by the learned Judge is a possible view which could have been taken on the basis of evidence on record. No case is made out for grant of leave.

Application is rejected.

JUDGE